

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BUILDING SERVICE 32BJ PENSION FUND,

Plaintiff,

-against-

1180 AOA MEMBER LLC, and ABC COMPANIES 1-10
(all other trades or businesses under common control with
1180 AOA MEMBER LLC,

Defendants.
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12226
Index No. 18-CV-~~1000~~(LTS)(OTW)

LTS

ORDER

WHEREAS, Building Service 32BJ Pension Fund ("Fund"), served an Information Subpoena With Questions and Answers ("Subpoena") upon Enrico Marini Fichera ("Fichera") on February 1, 2020; and

WHEREAS, has failed to comply with said Subpoena; and

WHEREAS, Fichera was served with a second request that he comply with the Subpoena on February 20, 2020; and

WHEREAS, Fichera continues to refuse to comply with the Subpoena:

IT IS HEREBY ORDERED, that Fichera provide answers to the Subpoena by ~~March~~ May 15, 2020. Plaintiff shall serve this order by mailing a copy of same to Fichera at: 1760 Second Avenue, Apartment 8C, New York, New York, 10128; said service to be by Certified Mail Return Receipt Requested and by Regular First Class Mail. Plaintiff shall file proof of service upon Fichera with the Court. A copy of the Order shall also be served by First Class Mail upon: Charles Fan, 1180 Avenue of the Americas, 2nd Floor, New York, New York 10036

Fichera is admonished, that an information subpoena is an appropriate means of effectuating post judgment discovery under the laws of New York State. N.Y. C.P.L.R. § 5524 and a person's failure to comply with a subpoena is punishable by contempt. N.Y. C.P.L.R. § 5251.

SO ORDERED: /s/ Laura Taylor Swain
U.S.D.J.

Dated: April 28, 2020

LTS